

IN THE MATTER OF:

VEAZIE SEWER DISTRICT)
 VEAZIE, MAINE)
 PROTECTION AND IMPROVEMENT)
 OF WATERS)
 EIS DOCKET NUMBER 2008-034-W)

ADMINISTRATIVE CONSENT
 AGREEMENT

(38 M.R.S.A. § 347-A)

Inserted: (38 M.R.S.A. § 347-A)

This Agreement, by and among the Veazie Sewer District, the State of Maine, Department of Environmental Protection ("Department"), and the State of Maine, Department of the Attorney General, as approved by the Maine Board of Environmental Protection ("Board"), is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

Inserted:

Inserted: Office

THE PARTIES AGREE AS FOLLOWS:

1. The Veazie Sewer District is a quasi-municipal corporation which is organized and exists under the laws of the State of Maine, and operates a public wastewater collection/treatment system serving the inhabitants of the Town of Veazie.
2. At the time of the violation, Veazie Sewer District was subject to Waste Discharge License number W002754-5L-E-M and Maine Pollutant Discharge Elimination System (MPDES) Permit number ME0100706, issued by the Department on October 25, 2002 for the discharge of secondary treated sanitary wastewater from Outfall 001 to the Penobscot River, Class B, subject to a series of standard and special conditions. Subsequently, Veazie Sewer District's license has been modified and reissued as license number W002754-5L-F-R and MPDES Permit number ME0100706, issued by the Department on October 9, 2007.
3. Under the October 2002 permit, Standard Condition B.2 ("Operation and Maintenance") requires that the permittee shall at all times properly operate and maintain all facilities and controls (and related appurtenances). In addition, discharge of wastewater from any point source, other than Outfall 001, is not authorized by Special Condition F ("Unauthorized Discharges").
4. On March 19, 2007, Veazie Sewer District staff discovered evidence of the unlicensed overflow of untreated wastewater from a manhole at the County Road Pump Station. This discharge affected the Penobscot River which is a Class B fresh water river as defined by Maine's *Water Classification Program*, 38 M.R.S.A. § 467. Based on rainfall and flow data, it was determined that the overflow occurred on March 17 and 18, 2007. The volume of the overflow was estimated to be approximately 58,500 gallons. Upon inspection, the high water alarm at the pump station was found to be nonfunctional. The alarm system had not been working since the summer of 2006 when wires were left

Inserted: Special Condition F provides that the

Comment [jmm1]: How? Was there a direct discharge into the river? Did the wastewater run over land and into the river?

Comment [jmm2]: The Penobscot is Class C in one segment. I assume the portion in Veazie is Class B.

Inserted: under

Inserted: (7)

VEAZIE SEWER DISTRICT) ADMINISTRATIVE CONSENT
VEAZIE, MAINE) AGREEMENT
PROTECTION AND IMPROVEMENT OF WATERS) (38 M.R.S.A. § 347-A)
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unattached, following work on the Supervisory Control and Data Acquisition (SCADA) system.

Comment [jmm3]: State how you know this, i.e. talking to District personnel?

Inserted: s

Inserted: -5

5. The actions described in Paragraph 4, above, are violations of Standard Condition B.2 and Special Condition F of Veazie Sewer District's waste discharge license, and 38 M.R.S.A. §§ 413 and 414(5).

6. On November 15, 2007 the Department issued a Notice of Violation to the Veazie Sewer District for the activities described in Paragraph 4 of this Agreement, in accordance with 38 M.R.S.A. § 347-A(1)(B).

Inserted: violations

7. Pursuant to a Notice of Violation issued by the Department on November 15, 2007, the Department requested that the Veazie Sewer District perform the following corrective actions:

- Submit to the Department, a plan and schedule for implementation of modifications or upgrades to operational practices and pump station control equipment necessary to prevent alarm failures and overflows in the future.

As of the date of this Agreement, the Department has confirmed that the Veazie Sewer District has performed the following corrective actions, as requested:

- Repairs to the high water level alarm system at the pump station
- Addition of a contact at the pump station which sends a signal to the SCADA system when overflows occur, and
- Institution of a monthly alarm testing program and recording results.

Inserted: ,

8. This Agreement shall become effective only if it is accepted by the Board and approved by the Attorney General.

Inserted: Pursuant to 38 M.R.S.A. §§ 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection ("Board"), which is part of the Department. ¶ 9.

9. To resolve the violations referred to in Paragraph 4 of this Agreement, the Veazie Sewer District agrees to pay to the *Treasurer, State of Maine*, immediately upon signing this Agreement, a civil monetary penalty in the amount of five hundred dollars (\$500.00).

Inserted: pproved

10. The Department and Attorney General grant a release of their causes of action against the Veazie Sewer District for the specific violations listed in Paragraph 4 of this Agreement on the express condition that all actions listed in Paragraph 9 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until all requirements of this Agreement are satisfied.

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11. Non-compliance with this Agreement voids the release set forth in Paragraph 10 of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. §§ 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.

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AGREEMENT
(38 M.R.S.A. § 347-A)

12. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, laws, and orders including but not limited to licensing requirements.

Inserted: 3

13. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

Inserted: 4

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of 3 pages:

VEAZIE SEWER DISTRICT

BY: _____ DATE: _____

TITLE:

APPROVED BY:

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
ERNEST W. HILTON, CHAIR

STATE OF MAINE, DEPARTMENT OF THE ATTORNEY GENERAL

Inserted: MAINE OFFICE

BY: _____ DATE: _____
JANET McCLINTOCK, ASSISTANT ATTORNEY GENERAL

PENALTY EVALUATION

Name: Charles F. Rossoll

Date: 05/12/08

Nature of Case: Veazie Sewer District: High water level alarm at the County Road Pump Station was nonfunctional, due to wires left unattached during work at the station in the Summer of 2006. The problem was discovered in March 2007, after an overflow of approximately 58,500 gallons of untreated wastewater. Since this incident, the alarm system has been repaired, the pumps are now wired into the SCADA system and monthly alarm testing has been instituted.

SPECIFIC VIOLATIONS:

¶ No.	Parameter	Basis	Amount
	\$500 for failure to properly maintain the high water level alarm system at the County Road Pump Station. This resulted in the lack of notification for a Sanitary Sewer Overflow (SSO). The volume of the overflow was estimated to have been approximately 58,500 gallons.		\$500
TOTAL			\$500

Additional Considerations: The recommended penalty is consistent with previous consent agreements involving wastewater overflows and/or operation and maintenance failures. These include cases with Old Orchard Beach for a November 2004 incident, with Old Town for a November 2004 incident and with Bar Harbor for a March 2005 incident.

The Old Orchard Beach incident involved a power failure at the treatment plant and failure of the Police Dispatcher to notify the treatment plant personnel. OOB is a 3.5 mgd facility and the incident resulted in no disinfection of the entire effluent discharge for a period of 12 to 14 hours. OOB is on year-round disinfection for protection of shellfishing. OOB was charged \$800.

In the Old Town incident, treatment plant personnel failed to engage the CSO clarifier during a storm event, which resulted in the discharge of 425,000 gallons of untreated combined sewage over a period of 4 hours and 45 minutes. Old Town was charged \$500.

The Town of Bar Harbor's Degregoire Park facility is served by a pumping station which had an unlicensed overflow pipe. During a storm, the high level alarm failed and the police dispatcher failed to notify treatment plant personnel. The pumping station bypass discharged 6,500 gallons of untreated sewage during a period of 12 hours. Bar Harbor was charged \$500.

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